## PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

or we John C. & Marilyn A. Bergman legal owner Sof the prope ty situate in paltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Variance from Section 1801.2.C.4. to permit a rear ward setback of

24 in lien of the required ho

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

As is evident from the face of the attached plat, the described property has an unusual and irregular building area. This effect is due to the unusual and irregular shape of the entire lot in combination with the applicability of setback restrictions.

Your petitioners encounter obvious practical difficulty in attempting to design and construct an efficacious garage structure within the existing building area. Compliance with the now obtaining setback restriction would require a garage of a shape that would render it unsuitable for its primary purpose. Therefore, this variance is requested to relieve your petitioners of this practical difficulty in the use and enjoyment of their property. ment of their property.

Your petitioners also assert that the requested variance would in no way adversely affect the health, safety and general welfare of the community.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of 4-17-29 County adopted pursuant to the Zoring Law For Baltimore County.

> Legal Owners 8 Ruxlea Court

Baltimore, Maryland 21204 Protestant's Attorney

Address 407 West Pennsylvania Avenue Towson, Maryland 21204 ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_l2th\_\_\_\_\_day

of June 197 2, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Zoning Commissioner of Baltimore County

Petitioners Exh 1

July 23, 1979

Dear Sir:

Being property owner to the south and west sides of the Bergman property, located at 8 Ruxlea Court, Ruxton, Md., I want you to be aware that I am in total agreement and endorse the proposed plans for a garage the Bergmans wish to construct. I think it will add to the property and have no objections to a change in the setback line, which is in relation to our property, will never be used for construction purposes, and will present no future

Mus John M. Prior 1608 Ruxton Road Towson, Md. 21204

RE: PETITION FOR VARIANCE W/S of Ruxlea Ct., 230' N of Ruxton Rd., 9th District : BEFORE THE ZONING COMMISSIONER

: Case No. 80-16-A

OF BALTIMORE COUNTY

JOHN C. BERGMAN, et ux,

ORDER TO ENTER APPEARANCE

::::::

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore,

and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

July 23, 1979

Dear Sir:

Zoning Commissioner Baltimore County Towson, Md. 21204

outside adjacent to my drive.

Dr. Lawrence F. Halpert

10 Ruxlea Court

Ruxton, Md. 21204

John W. Hessian, III People's Counsel for Baltimore County County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 6th day of July, 1979, a copy of the aforegoing Order was mailed to Thomas L. Hennessey, Esquire, 407 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

This is to advise that I am the property owner adjacent

to the Bergman property at 8 Ruxlea Court, Ruxton, Md. My property lies to the north of the Bergmans, and I

want you to be aware that I support Bergman's proposed

plans for a garage attached to his house. I think the

garage structure will materially add to his property

and will certainly be better than having cars parked

I endorse the plan and recommend your approval.

DR. Tavience F. Halpert

Petitioners Exh 1

DECMARE 3 MAUSTY

TONING COMMISSIONER

July 24, 1979

Thomas L. Hennessey, Esquire 407 West Pennsylvania Avenue Towson, Maryland 21204

> PE: Petition for Variance W/S of Ruxlea Court, 230' N of Ruxton Road - 9th Election District John C. Bergman, et ux - Petitioners Case No. 80-16-A (Item No. 218)

Dear Mr. Hennessey:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: John W. Hessian, III, Esquire People's Counsel

JOHN C. BERGMAN, et up

407 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204

BOX NO. 3473

TOWSON, MARYLAND 21204

Thomas L. Hennessey, P.A.

THOMAS L HENNESSEY

CLEWELL HOWELL, JR.

LAWRENCE ANTHONY MELFA

April 2, 1979

Mr. Nick Commodari Baltimore County Office of Planning and Zoning

County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Amendment of Development Plan and Petition for Variance for 8 Ruxlea Court

Dear Mr. Commodari:

Thank you for your assistance in making possible the acceptance of the Petition for Amendment of Development Plan and Petition for Variance in connection with the property located at No. 8 Ruxlea Court.

Regarding the Petition for Amendment of Development Plan, it is my understanding, as per our conversation of this morning, that the owners can expect the property to be posted on or before April 13, 1979. Also, it is my understanding that a decision concerning this amendment is tentatively scheduled to be rendered on May 2, 1979 and that anyone who desires a public hearing concerning said amendment has until the close of business on April 28, 1979 to demand said hearing. It is also understood that if no hearing is requested, the May 2, 1979 decision date shall cease to be tentative and a decision on the amendment shall be rendered on that date.

In connection with the Petition for Variance, I have no time frame as to publication dates, hearing date, etc. Therefore, it would be appreciated if you or someone in your office could notify me either of this information itself or the time and place when such information would be available. As I am not certain whether secretarial services are available to you, please feel free to telephone me at the above number if necessary. Also, if you desire additional information or my assistance in processing these applications, please do not hesitate to contact me.

PROPERTY DESCRIPTION

Beginning on the West side of Ruxlea Court approximately 230' North of Ruxton Road and know as Lot #10 as shown on Plat of Ruxton Woods, which is recorded in Liber 37 Folio 83. Also known as #8 Ruxlea Court.

Mr. Nick Commodari Page Two April 2, 1979

> Once again, I would like to thank you for your time and consideration in this matter.

JOC:sw

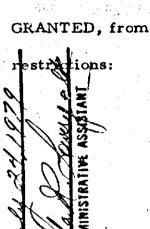
Zoning Commissioner Baltimore County Towson, Md. 21204

problems.

Jim O'Connor

the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in partical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granung of the Variance requested will not adversely affect the health, safety, and general welfare of the community, and, therefore, the Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24 th day of July , 1979, that the herein Petition for a Variance to permit a rear yard setback of 24 feet in lieu of the required 40 feet should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following



- 1. The proposed garage is to be constructed in the same architectural style and materials as the existing house.
- 2. Site plan approval by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the herein Petition for the Variance(s) to

Zoning Commissioner of Baltimore County

## BALTIMORE COUNTY, MARYLAND

Zoning Commissioner

FROM Office of Planning and Zoning

SUBJECT Petition #80-16-A. Item #218 Petition for Variance for rear yard setback

West side of Ruxlea Court, 230! North of Ruxton Road Petitioner - John C. Bergman, et ux

9th District

HEARING: Tuesday, July 24, 1979 (10:00 A.M.)

There are no comprehensive planning factors requiring comment on this

Date July 17, 1979

## BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

**EVALUATION** COMMENTS

Your Petition has been received and accepted for filing this Zoning Commissioner Petitioner John C. Bergman, et ux Petitioner's Attorney Hennessey, Esq. Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING & ZONIN

County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 11, 1979

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Nicholas B. Commodari

MEMBERS Bureau of Department of Traffic Engineering State Roads Commission Bureau of Health Department Project Planning Building Department Board of Education Zoning Administration

Industrial

Development

Thomas L. Hennessey, Esquire 407 West Pennsylvania Avenue Towson, Maryland 21204

> RE: Item No. 218 Petitioners - John C. Bergman, et ux Variance Petition

Dear Mr. Hennessey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

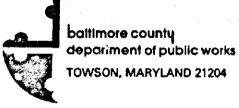
Because of your clients' proposal to construct a garage addition to the rear of the existing dwelling within 24' of the rear property line in lieu of the required 401, this Variance is required. An amendment to the approved final development plan of Ruxton Woods to allow this construction outside of the allowable building envelope has been approved and further processing is being withheld pending the outcome of this petition.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate. will be forwarded to you in the near future.

Very truly yours,

NICHOLAS B. COMMODARI Chairman

NEC:nr



THORNTON M. MOURING, P.E.

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #218 (1978-1979) Property Owner: John C. & Marlyn A. Bergman W/S Ruxlea Ct. 230' N. Ruxton Rd. Existing Zoning: DR 2 Proposed Zoning: Variance to permit a rear setback of 24' in lieu of the required 40'. Acres: 0.2984 District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item. General:

June 12, 1979

Baltimore County highway and utility improvements are not directly involved and are secured by Public Works Agreement #97402, executed in conjunction with the development of "Ruxton Woods", of which this property is Lot 10, as recorded E.H.K., Jr. 37, Folio 83.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #218 (1978-1979).

> ELISWORT.I N. DIVER, P.E. Chief, Bureau of Engineering

END: EAM: FWR: SS

O-NE Key Sheet 38 NW 6 Pos. Sheet 69 Tax Map



April 24, 1979

Mr. S. Eric Diffenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Dear Mr. DiNenna:

Comments on Item # 218 Zoning Advisory Committee Meeting, April 24, 1979

John C & Marilyn A. Bergman W/S Ruxlea Court 230' N. Ruxton Road D.R. 2

Variance to permit a rear setback of 24' in lieu of the required 40'.

XA. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, and other applicable codes.

XB. A building permit shall be required before construction can begin. Permits shall be required.

D. Building shall be upgraded to new use - requires elteration permit. XE. Three sets of occustruction drawings MAY be required to file an

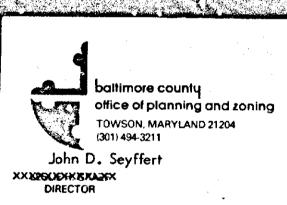
application for a building permit. F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Beltimore County Building Code. See Section

I. No Comment.

Plane Review Chief



July 12, 1979

Mr. William Hammond, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Thomas L. Hennessey, Esquire

407 West Pennsylvania Avenue

Towson, Maryland 21204

Dear Mr. Hammond:

Acres: 0.2984

Comments on Item #218, Zoning Advisory Committee Meeting, April 24, 1979, are as follows:

Property Owner: John C. and Marilyn A. Bergman Location: W/S Ruxlea Court 230' N. Ruxton Road Existing Zoning: D.R.2 Proposed Zoning: Variance to permit a rear setback of 24' in lieu of the required 40'. District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

Current Planning and Development



DONALD J. ROCP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

June 21, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 218, Zoning Advisory Committee meeting of April 24, 1979, are as follows:

> Property Owner: Location: Existing Zoning: Proposed Zoning:

John C. & Marilyn A. Bergman W/S Ruxlea Ct. 230° N. Ruxton Rd. D.R. 2 Variance to permit a rear setback of 24 in lieu of the required 40

Acres: District:

Metropolitan water and sewer exist, therefore the proposed garage should not present any health hazards.

> Very truly yours, Director BUREAU OF ENVIRONMENTAL SERVICES

LJF/JRP:ph&

fire department TOWSON, MARYLAND 21204

Paul H. Reincke

May 21, 1979

Office of lanning and Zoning Baltimore Luanty Office Building Towson, Maryland 21204

Attention: N. Commodari, Chairman Zoring J. isory Committee

Re: Property Owner: John C. & Marilyn A. Bergman Location: W/S Ruxlea Ct. 230' N Ruxton Rd.

Item No. 218

Zoning Agenda Meeting of 4/24/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

to be corrected or incorporated into the final plans for the property.

() 3. The vehicle dead end condition shown at

MECHEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

baltimore county department of traffic engineering TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

July 5, 1979

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

This department has no comments about item numbers 213, 218, 219, 221, 222, and 223.

Engineer Associate II

MSF/mjm

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 23, 1979

Zoning Commissioner Baltimore County Office Building Towson, Maryland 21204

- Z.A.C. Meeting of; April 24, 1979

RE: Item No: 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 225 Property Owner: Location: Present Zoning:

Proposed Zoning:

Mr. S. Eric DiNenna

District:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

W. Nick Petrovich,

T. BAYARD WILLIAMS, JR., VICE-PRESIDE

40 min. Setback Line PLAT TO ACCOMPANY CUBLIC UTILITIES EXISTING IN RUXLEA COURT

MARCUS M. BOTSARIS

0.4-17-7

No. Acres:

Very truly yours,

MRS, MILTON R. SMITH, JR. RICHARD W. TRACEY, D.V.M.

Field Representative

		0	100	
CERTII	FICATE	OF	<b>PUBLIC</b>	MOITA

PETITION FOR VARIANCE

ZONING: Petition for Variance for rear yard setback
LOCATION: West side of Ruxles
Court, 230 feet north of Ruxton
Road
DATE & TIME: Tuesday, July 24,
1979 at 10:00 A.M.
PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Tow60B,

Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for a Variance to permit a rear yard setback of 24 feet in lieu of the required 40 feet

The Zoning Regulation to be ex-

cepted as follows:
Section JB01.2.C.4 — rear yard setback
All that parcel of land in the Ninth
District of Baltimore County
Beginning on the West side of
Ruxlea Court approximately 230'
North of Ruxton Road and known
as Lot #10 as shown on Plat of
Ruxton Woods, which is recorded
in Liber 37 Folio 83, Also known as
#8 Ruxlea Court.

Being the property of John C.
Bergman, et ux, as shown on Plat
plan filed with the Zoning Department.

ment.

Hearing Date: Tuesday, July 24, 1979 at 10:00 A.M.

Publib Hearing: Room 106, County Office Building, 111 W. Chesspeake Avenue, Towson, Maryland.

By Order Of

WILLIAM E. HAMMOND,

Zoning Commissioner

TOWSON, MD.,\_\_\_\_\_July\_5\_\_\_\_\_, 19.72

G. Leank Strucker

Cost of Advertisement, \$\_\_\_\_\_

OFF OF

THE TIMES

NEWSPAPERS

TOWSON, MD. 21204

0

PETITION FOR
VARIANCE
9th District
20NING: Petition for Variance
for rear yard setbect
LOCATION: West side: Rustes
Court, 230 feet north of Ruston
Load

Load
DATE & TIME: Tuesday, July 24,
1979 at 18:00 A.M.
PUSEIC HEARING: Room 106,
County Office Building, 111 W.

Baltimore County, will hold a public hearing:
Petition for a Variance to permit a rear year antheck of 24 feet in lieu of the required 40 feet
The Zoning Regulation to be excepted as follows:
Section 1801.2.C6 - tear yard set back
All that parcel of land in the hold.
Beginning on the West side of Ruxlea Court approximately 230' North of Ruxton Road and know as Let No. 10 as shown on Plat of Ruxton Woods, which is recorded size Liber 37.Follo B3. Also known as No. 8 Buxlea Court.

No. 8 Pluties Court.
Laing the property of John C.
Bergman, at us, as shown on Pist
plan field with the Zooling Department.
I dearing Justi: Tuesday, July 241979 at 1-100 Julia.
Public Tiesang: Room 106.
County Office Building, 111
Chesapceke: Avenue, Towson,
Maryland\*

WILLIAM E. HAMMOND

WILLIAM E. HAMMON ZOMING COMMISSIONI OF BALTIMORE COUN July 5

1979

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - John C. Bergman, et ux

was inserted in the following:

☐ Catonsville Times☐ Dundalk Times

☑ Towson Times☑ Arbutus Times

☐ Essex Times

☐ Community Times

☐ Suburban Times East

☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 6th day of July 19 79, that is to say, the same was inserted in the issues of July 5. 1979.

STROMBERG PUBLICATIONS, INC.

. BY Esther Burge

Posted for:	ION FOR VARIA	we
TOHN	C. Bergmai	N eT UX
reutioner:v/	S OF RUXLEA (	COURT, 230' NOF RUXTON ROA
ocation of property:/_	<u> </u>	
		A1
ocation of Signs: FRO	NT #8 RUXLEA	Court
	_	
Remarks:	R. Roland	71 .2 1640
Posted by Ileonia	1 h. Malarea	Date of return. Tuky 13,1979
Si	mature	
	1-516	N

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

80-16-A

Date of Posting Juky 6, 1979

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received \* this\_

this\_\_\_\_

ved /Check

\_\_\_Other

S. Eric DiNenna, Zoning Commissioner

Petitioner Bermm Submitted by J. Conne

\* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET

Wall Map Original Duplicate Tracing 200 Sheet

date by date by date by acid by date by

Descriptions checked and outline plotted on map

Denied

Denied

Granted by ZC, BA, CC, CA

y: 186

Revised Plans:

Change in outline or description\_\_\_\_Yes \_\_\_\_No

Previous case:

Map # \_\_\_\_

BALTIMORE COUNTY, MARYLAND
OFFICE OF ANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE\_JUNE 26, 1979 ACCOUNT 01-662

AMOU 25.00

RECEIVED Thomas L. Hannessay, Esq.
FOR: Posting and Advertising of Case No. 80-164

VALIDATION OR SIGNATURE OF CASHIER

